

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOSE MIGUEL RIOS,

Plaintiff,

v.

ORTIZ, et al,

Defendants.

1:23-cv-01595-HBK (PC)

ORDER GRANTING APPLICATION TO  
PROCEED *IN FORMA PAUPERIS*

(Doc. No. 2)

ORDER DIRECTING PAYMENT  
OF INMATE FILING FEE BY THE  
FRESNO COUNTY SHERIFF

Plaintiff, a prisoner, initiated this action on November 13, 2023, by filing a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. No. 1, Complaint). Plaintiff seeks leave to proceed *in forma pauperis* on his Complaint and submitted a copy of his prison trust fund statement and/or certification from prison officials in support. (Doc. No. 2). Plaintiff has made the showing required by § 1915(a) to proceed *in forma pauperis* but remains obligated to pay the full \$350.00 statutory filing fees as set forth in 28 U.S.C. § 1915. **Pursuant to § 1915(b)(1)(A), Plaintiff is obligated to make an initial payment of \$15.35<sup>1</sup> (20% of the average 6-month balance in the prisoner's account).** Thereafter, Plaintiff must make monthly payments of 20% of the preceding month's income credited to his trust account. The Fresno County Sheriff is required to send the initial \$15.35 payment to the Clerk of the Court and subsequent payments

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<sup>1</sup> The statute requires an initial filing fee of 20% of the greater of the six-months average monthly deposits or average monthly balance. 28 U.S.C. § 1915(b)(1)(A), (B). Plaintiff had an average balance of \$76.75 in his inmate trust fund account over the relevant period.

1 from Plaintiff's account each time the amount in her account exceeds \$10.00, until the \$350.00  
2 statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

3 ACCORDINGLY, it is **ORDERED**:

4 1. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is GRANTED.

5 2. **The Fresno County Sheriff or his designee shall forward an initial payment of**  
6 **\$15.35 to the Clerk of the Court from Plaintiff's prison trust account in accordance with 28**  
7 **U.S.C. § 1915(b)(1)(B) and shall make future monthly payments in an amount equal to**  
8 **twenty percent (20%) of the preceding month's income credited to the Plaintiff's trust**  
9 **account each time the amount in the account exceeds \$10.00, in accordance with 28**  
10 **U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and forwarded to the Clerk**  
11 **of the Court.** The payments shall be clearly identified by the name and number assigned to this  
12 action.

13 3. The Clerk of the Court is directed to serve a copy of this order and a copy of  
14 Plaintiff's *in forma pauperis application* on the Fresno County Sheriff located at P.O. Box 872,  
15 Fresno, CA 93712.

16 4. The Clerk of the Court is directed to serve a copy of this order on the Financial  
17 Department, U.S. District Court, Eastern District of California, Sacramento Division.

18  
19 Dated: November 13, 2023

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE